

AMENDMENT TO THE CLAIMS:

Please CANCEL Claim 15 without prejudice or disclaimer of the recited subject matter.

Please AMEND claim 13 and add Claims 16 and 17 as follows. Please note that all claims currently pending in this application are reproduced in the substitute specification for the Examiner's convenience.

1 - 12. (Canceled)

13. (Currently Amended) An apparatus for forming a pattern ~~by using,~~
comprising:

a photomask ~~including~~ for light exposure provided with both a minute first aperture having a minute width where a main component of a transmitted light is an evanescent light and ~~[[an]]~~ a second aperture having a larger width than said first aperture where a main component of a transmitted light is a propagating light, ~~said apparatus comprising:~~

a sample stand for placing a substrate to be processed on which a photoresist with a film thickness equal to or smaller than a width of the minute first aperture is formed;

a stage for placing the photomask;

a light source for generating light for exposure; and

means for controlling a distance between the substrate to be processed and the photomask,

wherein said width of said second aperture is smaller than a designed dimension of said photomask.

14. (Original) The apparatus according to claim 13, wherein the photomask comprises an elastic material as a mask material.

15 (Canceled)

16. (New) The apparatus according to claim 13, wherein the width of said first aperture is shorter than a wavelength of light for exposure.

17. (New) The apparatus according to claim 13, wherein the width of said second aperture is longer than a wavelength of light for exposure.